

# **Increasing Permanency for Children through Kinship Care**

**Footnotes on Best Practices and Barriers  
Commission on Youth Presentation  
August 20, 2012**

# Kinship Care Defined

- ▶ Kinship Care, as set forth in §63.2–100 of the *Code of Virginia*, is defined as the full-time care, nurturing, and protection of a child by relatives.

# Federal Mandates

- ▶ Welfare Reform (Personal Responsibility & Work Opportunity Reconciliation Act of 1996)
- ▶ Child and Family Services Review (CFSR) 2003

# Virginia Law – Child Welfare

- ▶ Prior to 2003, Virginia law and policies gave priority to placing children with relatives if it is in the child's best interest. *Code of Virginia*:
  - ❑ §16.1–251(C), Emergency Removal Order
  - ❑ §16.1–252 (F1), Preliminary Removal Order
  - ❑ §16.1–278.2, Abused & Neglected...
  - ❑ §16.1–281, Foster Care Plan...
- ▶ *Code of Virginia* §63.2–900.1 (2004): Requires the Board (LDSS) to determine whether the child has a relative who is eligible to become a kinship foster parent. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

# Virginia's Foster Care Trends

## Five Year –Foster Care Population Comparison

SFY	FC # Children in Care/June 30
2011	5,085
2010	5,643
2009	6,424
2008	7,764
2007	8,173

# Virginia's Foster Care Trends

## Children in Family Foster Care Year-to-Date 2012 (Source VCWOR)

Exit Reason	# of Clients Foster Care Kinship/Relative
Reunification	59
Custody Transfer to Another Relative	152
Emancipation	11
N/A Currently In Care	318
Total	540

# Virginia Law – TANF

- ▶ Legislation was enacted amending Code § 63.2-612 to allow a child who is in a 24-month period of TANF ineligibility to regain eligibility (TANF Child-Only)
- ▶ The 24-month period of ineligibility shall not apply when a child is removed from the parents' home as the result of a child protective services report or complaint as defined in regulations promulgated by the Board and is placed with a relative.

# Best Practices

- ▶ Relative Searches using Accurint
- ▶ Family Partnership Meetings
- ▶ Prevention Services
  - Type of services that are provided in diversion cases:
    - Referral for services to providers outside agency
    - Referral for services within your agency
    - Case management
    - Child Care
    - Transfer of school as necessary
    - Court ordered monitoring
    - Therapeutic respite services



# Barriers

- ▶ Barrier Crimes (Virginia Code § 63.2-1719)
- ▶ Relative Notification (Fostering Connections Act, 2008, Sec 103)
- ▶ TANF Benefits vs. Foster Care Benefits
- ▶ Relative Definition

## Barrier Crimes (Virginia Code § 63.2-1719)

- ▶ LDSS concern over the extensive array of offenses in the *Code of Virginia* that prohibit individuals from being approved as resource, foster, or adoptive parents.
- ▶ Concern over the lack of a waiver process for relatives who may have a barrier crime in their history but appear to pose no threat of harm.

## Relative Notification (Fostering Connections Act, 2008, Sec 103)

- ▶ Within 30 days of removal the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence.
- ▶ Code of Virginia §§ 63.2–104 and 63.2–105 provide the statutory framework for collecting and maintaining information gathered during a CPS investigation and related proceedings and for the release of such information and to whom it may be released.

## Relative Notification (Fostering Connections Act, 2008, Sec 103)

- ▶ Persons identified in the Code who may receive information in the course of a CPS investigation are a parent, grandparent, or any other person when such parent, grandparent, or any other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from the custodian.

## Relative Notification (Fostering Connections Act, 2008, Sec 103)

- ▶ When an LDSS exercises its discretion to release confidential information to any person who meets one or more of the criteria set forth, the LDSS shall be presumed to have exercised its discretion in a reasonable and lawful manner as noted in *Code of Virginia* § 63.2-105.

Question: *How broadly can discretionary release of confidential information be interpreted in the requirement to notify “all” relatives?*

# TANF Benefits vs. Foster Care Benefits

- ▶ For a child living with a relative caretaker, TANF Child Only benefits maybe available. TANF benefits for a child are significantly different than benefits for a child in foster care.
- ▶ Average monthly rate for Title IV–E foster care is \$571 per month and the average monthly rate for TANF benefit for a child is \$186 per month.

# TANF Benefits vs. Foster Care Benefits

- ▶ The average maximum allowable for TANF (regardless of the number of eligible children in the household) is \$497.
- ▶ If there could ever be more flexibility in the payment/benefits under TANF Child-Only, it would help in diverting children from Foster Care.
- ▶ TANF Child-Only benefit payments work well when it is a single child, but for two or more children, the dollar amount is just too small to absorb the cost of raising children.

# Relative Definition

- ▶ Currently, Virginia Code does not include a definition for a relative.
- ▶ The term “kin” is often used interchangeably with “relatives.”
- ▶ In Virginia, the definition of “relative” varies from program to program.
- ▶ A broad definition for relative could be considered. For example, *“A relative includes anyone related to the child by blood, marriage, adoption or anyone with a significant existing relationship with the child.”*



# Conclusion

When children and youth cannot live safely with their families, relative placement has the potential to strengthen families and improve outcomes for youth in both formal and informal kinship care arrangements.

- ▶ This exemplifies a principle of the VDSS Child Welfare Practice Model that states: *“We believe that all children and youth need and deserve a permanent family. Life-long family connections are crucial for children.”*

## VDSS Contact for Further Information

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